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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00447 CRB
	)	
Plaintiff,	)	<u>REQUEST, STIPULATION AND ORDER</u>
	)	
v.	)	
	)	
SANG HUN PARK,	)	
	)	
Defendant.	)	

This matter is currently on the Court's calendar for December 13, 2006. Through counsel, defendant Sang Hun Park and the United States ask the Court to (a) vacate the December 13, 2006 date based on the defendant's anticipated plea agreement, (b) set a date of January 3, 2007 for change-of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from December 13, 2006, to January 3, 2007.

1. The parties are currently working out the language of a plea agreement and request that the Court set the matter for January 3, 2007, for change-of-plea.

2. The parties agree that the time between December 13, 2006 and January 3, 2007 should be excluded from the Speedy Trial clock. Previously, the Court has declared this case complex.

ORDER  
 CR 05-00447 CRB

1 See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel is investigating the immigration  
 2 consequences of a plea. That matter needs a short amount of time to be resolved, and thus the  
 3 parties agree that a continuance is necessary for the effective preparation of defense counsel,  
 4 taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties  
 5 also agree that the ends of justice served by excluding the period from December 13, 2006 to  
 6 January 3, 2007 outweigh the interest of the public and the defendant in a Speedy Trial. See id. §  
 7 3161(h)(8)(A).

8 STIPULATED:

9 12/12/06

/s/ PETER B. AXELROD

10 DATE

PETER B. AXELROD  
 LAUREL BEELER  
 Assistant United States Attorneys

12 12/12/06

/s/ PETER B. AXELROD for

13 DATE

MICHAEL GAINES  
 Attorney for Sang Hun Park

### 16 ORDER

17 For good cause shown, and for the reasons stated above, the Court (a) vacates the December  
 18 13, 2006, hearing date for defendant Sang Hun Park based on the anticipated plea agreement, (b)  
 19 sets the matter for change-of-plea on January 3, 2007, at 2:15 p.m., and (c) excludes times under  
 20 the Speedy Trial Act, 18 U.S.C. § 3161, from December 13, 2006, to January 3, 2007. The Court  
 21 finds that the failure to grant the requested exclusion would deny defense counsel reasonable  
 22 time necessary for effective preparation taking into account the exercise of due diligence.  
 23 Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. §  
 24 3161(h)(8)(B)(ii). Thus, the Court finds that the ends of justice served by granting the requested  
 25 exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the  
 26 prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time

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1 should be made under 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

2 IT IS SO ORDERED.

3  
4 DATED: December 12, 2006

